Department of Justice

FOR IMMEDIATE RELEASE
WEDNESDAY, MAY 24, 1961

The Department of Justice moved in United States District Court in Montgomery to add Birmingham and Montgomery police officials as defendants in its complaint seeking to enjoin certain organizations and persons from interfering with the peaceful movement of interstate travel, Attorney General Robert F. Kennedy announced today.

The Birmingham officials are Eugene T. Connor, Police Commissioner, and Jamie Moore, Police Chief.

The Montgomery officials are Lester B. Sullivan, Commissioner of Public Works, and Goodwin J. Ruppenthal, Police Chief.

The amended complaint asserts that Connor, Moore and the officers of the Birmingham Police Department deliberately withheld police protection when a mob attacked the so-called "Freedom Riders" in Birmingham, May 14, 1961, Mr. Kennedy said.

The complaint asserted that Connor, Moore and the Birmingham Police Department failed and refused to prevent unlawful assaults upon and harrassment of the CORE representatives, Mr. Kennedy said.

Connor, Moore and the Birmingham police were advised of the expected arrival of representatives of the Congress of Racial Equality and did not protect them, although knowing that the bus riders' safety had been threatened by the "unlawful acts of others," the complaint said.

The amended complaint asserts that Sullivan and members of the Montgomery Police Department, knowing of the expected arrival of a bus of students in Montgomery on May 20, took no measures to insure the safety of the students or to prevent unlawful acts of violence upon their persons.

Chief Ruppenthal, who was not present in Montgomery on May 20, is named as a defendant in his official capacity as Chief of the Montgomery Police Department.

The amended complaint asks that the Birmingham and Montgomery Police be enjoined from failing or refusing to provide police protection for persons traveling in interstate commerce through the Cities of Birmingham and Montgomery, Mr. Kennedy said.

The complaint also seeks to add as a defendant, Claude Henley, who assertedly was a ringleader of the mob which attacked the students in Montgomery on May 20.

United States District Judge Frank M. Johnson issued a temporary order late Saturday night restraining the Ku Klux Klan and certain individuals and all persons acting in concert with them from interfering with peaceful interstate travel by bus.

Department of Justice

FOR IMMEDIATE RELEASE
MONDAY, MAY 22, 1961

The Department of Justice filed criminal charges against four men in connection with the damage and destruction of an interstate bus at Anniston, Alabama, on May 14, Attorney General Robert F. Kennedy announced today.

The four, Robert Dale Couch, Jerry Ronald Eason, Frank B. Johnson, and Dalford Leonard Roberts, all of Anniston, were arrested by FBI agents on charges of damaging and destroying a motor vehicle being operated in interstate commerce with intent to endanger the safety of persons on board, Mr. Kennedy said.

The maximum penalty under this charge is 20 years in prison and $10,000 fine.

Couch, 19, is unemployed. Eason, 22, is employed in a flower shop. Johnson, 43, is a maintenance man. Roberts, 42, is a cab driver.

"These cases will be pursued with the utmost vigor", Mr. Kennedy said.

The four were to be arraigned before United States Commissioner Ruby Price Robinson in Anniston.

Roberts and Eason waived a preliminary hearing. A preliminary hearing for Johnson and Couch is scheduled for 10:00 A.M. May 29.

The four were held in the Calhoun County Jail in Anniston in lieu of $5,000 bail.

Department of Justice

FOR IMMEDIATE RELEASE
SATURDAY, MAY 20, 1961

Following is the text of the telegram which Attorney General Robert F. Kennedy sent to Governor Patterson of Alabama:

Governor John Patterson
Montgomery, Alabama

As you know, since early this last week I have been deeply concerned about the situation in Alabama. From my conversation with you on Monday and numerous conversations that I and my associates here had with your aides, you have been aware of the concern with which we have regarded this very explosive situation. Since the destruction of the bus on Sunday and the interference of interstate travel you have been made aware of our clear responsibility in this area. The President himself when he was unable to reach you Friday made this clear to the Lt. Governor and pointed out that the Federal Government has the responsibility to guarantee safe passage in interstate commerce and that free travel had not been possible for five days in Alabama. The President hoped that the government of Alabama would restore the situation without the need for action by Federal Authorities.

You then requested that the President send a personal representative to discuss the matter with you. As you know, Mr. Seigenthaler of this office met with you last evening and in your presence talked to me on the telephone. He told me that you wanted to assure the President and the Federal Government that you had the will, the force, the men, and the equipment to fully protect everyone in Alabama.

Mr. Seigenthaler assured you that the Federal Government was willing to provide marshals and any other assistance in order to assure that interstate commerce was unimpeded. You stated that this was unnecessary and that you and the local authorities would be completely able to handle every contingency. You suggested that we notify the Greyhound Bus Company that this guarantee had been given. It was based on this assurance of safe conduct that the students boarded the bus in Birmingham on their trip to Montgomery. These students boarded the bus this morning. They arrived in Montgomery and were attacked and beaten by a mob. Prior to their arrival we took the additional precautionary step of having the FBI notify the police department that these students were coming and asked the police to take all necessary steps for their protection. The F.B.I. was informed and in turn notified us that all necessary steps had been taken and that no action on our part was necessary. As a matter of fact, no police were present. However, an armed mob was. Several of the travelers were severely

beaten. The President's personal representative, Mr. Seigenthaler, who attempted to rescue a young white girl, who was being attacked by the mob, was knocked to the ground and left unconscious in the street.

Once again I have tried to reach you by telephone to discuss this matter with you. I was informed thatyou were out of town and no one knew when you would return or where you were. Therefore, although I strongly believe that law enforcement matters should be handled by local authorities whenever possible, now not being even able to reach you to learn what steps you intend to take we have no alternative but to order the following action:

1) I am asking the United States Court in Montgomery to enjoin the Ku Klux Klan, the National States Rights Party, certain individuals and all persons acting in concert with them, from interfering with peaceful interstate travel by buses.

2) I am arranging for the FBI to send in an extra team to intensify its investigation of the incident in Montgomery and the other events this past week in which the federal government has jurisdiction.

3) I am also arranging for United States officers to begin to assist state and local authorities in the protection of persons and property and vehicles in Alabama.

Mr. Byron White, the Deputy Attorney General, will be in charge and will be in touch with your office as well as the local authorities.

I trust we will have your cooperation and the cooperation of local authorities.

Robert F. Kennedy

Office of the Attorney General
Washington, D. C.

May 23, 1961

Dear Congressman:

I am enclosing a copy of a telegram which I sent this afternoon to members of the Alabama delegation in Congress.

The telegram was sent in response to a telegram which they sent to me yesterday stating that the presence of the Marshals in Alabama was unnecessary and requesting that the Marshals be withdrawn.

Very sincerely yours,

Robert F. Kennedy
Attorney General

May 23, 1961

Thank you for your telegram of this afternoon. U.S. Deputy Marshals were sent to the State of Alabama only as a last resort. The action was taken with great reluctance.

Information came to the Federal Bureau of Investigation and the Department of Justice a week ago Sunday that there would be violence in Birmingham, Alabama. The Birmingham police and local authorities were informed. Despite this advance information, no police were present at the bus terminal. A number of the passengers were attacked and beaten severely by an uncontrolled mob. Another bus traveling in interstate commerce was attacked, burned and a number of passengers badly beaten and injured.

The following day, Monday, I requested Governor Patterson to provide protection for buses traveling through the State of Alabama. The Governor granted that request and said the buses would be protected. However, later Monday afternoon, he changed his position.

Following these events the situation slowly deteriorated over the next few days. I made numerous attempts to get in touch with Governor Patterson to discuss the situation with him. All of these attempts were unsuccessful and I was informed that the Governor was out of town and unavailable.

On Friday noon, realizing that the situation was becoming more critical, the President attempted to call Governor Patterson. The President was told the Governor was out of town and could not be reached.

Sometime later, an intermediary for the Governor called and said the Governor would like to meet with a personal representative of the President to discuss the situation in Alabama. The President designated John Seigenthaler of my staff and Mr. Seigenthaler met with Governor Patterson for two hours on Friday evening in Montgomery, Alabama. Governor Patterson stated emphatically to Mr. Seigenthaler that no help was needed to protect the buses traveling through Alabama and that the State would maintain law and order.

You state in your telegram that Governor Patterson informed you yesterday that the State of Alabama has the "means, ability and the will to keep the peace without outside help." These are virtually the same words that Governor Patterson used to Mr. Seigenthaler on Friday evening. Twelve hours later, Mr. Seigenthaler was lying unconscious in a street in Montgomery after having attempted to rescue a young girl from another armed mob. I am, therefore, not quite as impressed with these words of assurance as I might otherwise be.

Furthermore, prior to this riot, the local police as well as the other law enforcement authorities were informed by the Federal Bureau of Investigation that there was a strong possibility of violence at the bus station in Montgomery. Federal authorities were assured that the local officials had the "means, the ability and the will" to handle the situation and that Federal help was unnecessary.

No police were present at the time of the riot Saturday. They arrived only after the damage was done.

It was only after all of these events that the decision was made to send Deputy Marshals into Alabama to assist local law enforcement officials.

In this connection, for several hours Saturday after the riot, I attempted to contact Governor Patterson to find out what steps he intended to take. After I could not reach him the Marshals were dispatched.

On Sunday evening a mob advanced on the First Baptist Church in Montgomery where a large group of Negroes were holding a meeting. It is clear from newspaper reports and from the investigation conducted in the last 36 hours that had it not been for the presence of the Marshals, there would have been an extremely bloody and costly riot.

Newspaper reporters, who were present, stated that if the Marshals had not been present the church would have been burned to the ground with great loss of life.

Shortly before this riot took place, Governor Patterson stated publicly the situation was peaceful in Montgomery and in Alabama and that local law enforcement officials had the situation well in hand. Once again, this was hardly a correct appraisal of the situation when we consider that within a few hours after making that announcement, he called out the Alabama National Guard.

It should also be pointed out that the National Guard officers, as well as the officers of the State Police, requested and received the help and assistance of U.S. Marshals for the rest of the night and there has been a close cooperative effort since that time.

What is needed now is action on the part of Governor Patterson and local law enforcement officers -- not merely words of intention.

I assure you that we have no intention of permitting the Marshals to remain in Alabama a minute longer than is necessary. With your assistance and cooperation I would hope that they could be withdrawn at an early date.

ROBERT F. KENNEDY
ATTORNEY GENERAL

Department of Justice

REMARKS BY ASSISTANT ATTORNEY GENERAL
BURKE MARSHALL AT THE 14th ANNUAL
CONFERENCE, NATIONAL CIVIL LIBERTIES
CLEARING HOUSE, MARCH 29, 1962

I am very glad that Harold Fleming saw fit to invite me to participate on this panel. The annual Clearing House Conference gives us all a chance to find out what we are doing wrong.

Mr. Fleming has asked the panel to discuss problems, progress and prognosis in civil rights. That is a large order. I take it to be defined by what we have power to do.

In the Department of Justice we deal with legal problems. We have been witnessing a time of great social change achieved through the law. This has made the processes of the law themselves a focal center of great emotion and great bitterness. The courts and we who have a responsibility in the courts are criticized for invading areas where the judicial process does not belong and for upsetting long-standing and deep-rooted social customs. Yet at the same time there is as fervent criticism of the delays and frustrations that are inherent in the processes of the law, and are a result of the federal system.

These conflicting currents account for many of the difficulties the Department faces as a law enforcement agency in the field of civil rights.

The Attorney General said, early in his term of office, that he thought there was a great deal of hypocrisy in dealing with the civil rights problem. There is also a great depth of ignorance about it.

It should be recognized that the civil rights problem has not always been wisely dealt with in the North.

There has been a tendency to put overriding emphasis on legislation that cannot pass; to make statements in the North which could not possibly be fulfilled in the South; and to avoid responsibility for discrimination and injustice in the North by pretending that the only civil rights problems are those of the South.

This has created for many people an unreal world where nothing is accomplished and where civil rights groups talk only to each other. It has focused attention on the Congress to the exclusion of the Executive Branch. The Executive Branch itself in the past has participated in this process, and inaction by Congress has served as an excuse for inaction by the Executive.

Partly as a result, education of the people about these problems has barely started.

The appellate courts have created rules of law which apparently demand a legal and social revolution in several of the states. But these rules of law are not self-executing. We have been seeing a curious spectacle -- officials and private citizens in several states acting as if the constitutional decisions of the Supreme Court have no effect until a lawsuit has been brought naming them personally and a court has rendered a judgment binding upon them personally.

This is the measure of one of the basic problems confronting us in our efforts to enforce the law. It is one of the sources of great frustration to Negro citizens of the country who cannot understand why a rule of law can be disobeyed or apparently disobeyed by the official network of an entire state.

There are very large numbers of people who have suffered great injustices and who cannot understand why relief cannot be secured at once. We all have a hard obligation to be honest and realistic with those people.

There are also many people who are honest and tolerant and who think that the civil rights problem is the creation and plaything of the liberals -- not the national, economic, social and legal problem that it is.

These include church leaders, businessmen, teachers, lawyers and others with responsibility and power. We all have a duty also to try to educate them.

This is the background of our working problems. We have had to live with it. It has affected our efforts in the three principal areas where the Department of Justice has a direct responsibility.

One of these -- in many ways the most important -- is the enforcement of voting rights. It is a great loss to the entire nation that almost one hundred years after the Civil War and over 90 after the enactment of the Fourteenth and Fifteenth Amendments it is still necessary for the Department of Justice to litigate in a large number of counties in order to enforce voting rights clearly guaranteed by the Constitution and laws of the United States. It is even more remarkable that this work did not really start at all until just two years ago.

On the wall of my office I have a map on which pins are used to mark the counties where we have some voting rights enforcement activity going on. In all there are some 125 pins -- in somewhat less than 100 counties -- showing various kinds of enforcement activities -- suits filed, voting records under inspection and FBI investigations. In addition, there are a substantial number of

other counties in which we have made preliminary surveys to determine what kind of voting problems exist.

These pins represent a lot of work. The cases are difficult and time-consuming to prepare. They are not easy to present.

We recently tried a case for example in Montgomery, Alabama, asking for relief against discrimination in the voter registration process in Montgomery County. There has been no decision in the case yet, so I do not know what the result will be. But the trial took a week and required the testimony of over 160 witnesses for the government and the defense. Preparation for that single case -- wholly apart from the time consumed in the investigation before the case was brought -- required us to assign one lawyer -- with two law clerks and two secretaries -- to analyze 36,000 voter registration applications over a period of three months. We needed four, sometimes five, lawyers doing intensive preparatory work in the interviewing of witnesses and the preparation of exhibits for ten days in the field immediately before the trial. After the trial, three and at times four lawyers spent over two weeks with specially hired secretaries to prepare a trial brief which analyzed the evidence of the witnesses and our exhibits.

That was one county in a state which has 67 counties. The case was prepared and put on by a group of lawyers, including John Doar, First Assistant for the Civil Rights Division, who worked endless hours of overtime without additional compensation and without any chance of significant financial reward for what they did.

I cite this to show the dimensions of the problem that we have in enforcing a constitutional command which has existed since 1870.

But once the case has been prepared and presented, and a judgment entered, the results may be dramatic. A little over a year ago we tried a voter registration case in Macon County, Alabama. A judgment issued on March 17, 1961. Before that date, only nine Negro citizens of Macon County had been able to get registered since October 1958, and only an insignificant number had been registered in the past six years.

Since the judgment, almost 1,500 Negro citizens have been registered to vote. The Negro registration in the county is now substantial. In the City of Tuskegee, it is larger than the registration of white citizens. This will not only change the political complexion of that county;

it has also permitted many citizens for the first time to participate fully in the processes of their government.

Another principal area of the Department's activity has been in the field of transportation. Here again for some years the officials and citizens of some states refused to apply a federal rule of law until a court made them personally responsible.

We considered that we had a responsibility to take whatever steps were legally authorized to enforce compliance with the law. The statutory authorization for action by the Department of Justice was not as explicit or as recent as in the case of the enforcement of voting rights. Nevertheless, through litigation, we were able to establish that the Interstate Commerce Commission had the authority to issue rules covering all interstate bus terminals, and should do so; that the Department of Justice had the responsibility and the authority to enforce the commands of the statute against railroads; and that we had the authority to enforce the commands of the Constitution and the laws of the United States against airports operated on a segregated basis.

I am happy to be able to report to you that this work is largely completed in two of its phases, and that we are progressing on the third.

Through the promulgation of the Commission's rules, and litigating action taken to enforce them, there has been widespread desegregation of interstate bus terminals. We and the Commission are proceeding to require compliance where necessary. That is true now of only a very limited number of cities. In all cases we endeavored to act promptly so that no one could doubt that the law would be enforced.

In the case of the railroads, no litigation was necessary except in a limited number of cities where officials have attempted to prevent the railroads from complying. From the railroads themselves, we obtained full cooperation in the ending of segregation in their terminals.

Finally, we have been able to narrow the airport problem to a limited number of cities; we have established our right to bring suit and to have desegregation of airport facilities ordered; and we are proceeding as rapidly as possible to eliminate segregation there.

I think that this work in the transportation field has brought significant symbolic progress to the South and to the nation as a whole.

The third area of responsibility which I wish to mention is that of school desegregation.

As everyone here knows, the Department has no general authority to bring actions to desegregate the schools. That is one area in which the Department has in the past sought authority from Congress, and it has been refused. That refusal and other factors led to a general belief and impression that the Federal Government had no responsibility for school desegregation.

From the outset the Attorney General rejected this conclusion. He believed that the Department of Justice had a direct responsibility to protect the integrity of the orders of our courts and to prevent interference with compliance. He made his acceptance of this responsibility plain in a speech at the University of Georgia in early May last year. We took other steps to make our position clear. In Louisiana, where there was a period of studied attempts to interfere with compliance with the orders of the federal courts, we entered the litigation to seek protective orders from the court, and where unavoidable, to institute contempt proceedings.

Fortunately for the South and for the nation as a whole, this year the officials of all cities in which court orders became effective recognized the need for compliance and for the preservation of law and order. The

numbers of children affected were small and the amount of desegregation was kept to a minimum. But this acceptance of the inevitable by several important cities where serious problems could have arisen again brought great symbolic progress.

One of the things that I have learned over the past fourteen months is not to make predictions. So in response to Mr. Fleming's call for a prognosis, I have only a few comments.

We think further Congressional action is needed to guarantee the right to vote. The Department and the Administration are backing as strongly as we can passage of the so-called literacy test bill which was introduced by Senator Mansfield in the Senate and Congressman Celler in the House. This bill does not accomplish everything. It will not automatically make voters out of all Negro citizens of the proper age. But in my judgment, its passage would be a tremendous stride forward. It would not only make what litigation we find necessary much easier, but it should also encourage many citizens to register to vote who now -- whatever the attitude of the current registration officials -- are too discouraged by past inequities to attempt to register.

On the other hand, I think that the transportation problem is almost behind us. I know currently of only three or four cities where any continuing rail or bus problem exists, and I am confident the management of most airport authorities will now accept the requirements of federal law.

The gap between the requirements of law and the conduct of officials is deepest in the schools. I see no signs in the states which are still largely segregated that the school boards or other officials will accept the command of the Constitution without enforcement through litigation. But there have been developments throughout the South in this and other areas which I think have been hopeful.

We have attempted to achieve progress. We have attempted to do this in any way that we can -- through litigation, through persuasion, through whatever pressures could be brought to bear. In the course of the period since I have beem in office we have talked to a great many Southerners both white and Negro. I do not think that there is any cure or solution immediately possible for the racial problems of the South. But I do think that this much has been achieved: -- the South as a

whole has accepted the inevitability of the Constitutional commands which have become clear in the last few years, and in many, many places Southerners have accepted the immediacy of the need for some change.

CIVIL RIGHTS LEGISLATION

SUMMARY OF PROPOSED CIVIL RIGHTS ACT OF 1963

INTRODUCTION

The Civil Rights Act of 1963, now pending in Congress, is designed to make racial discrimination unlawful in this country.

It is a bill that transcends the special interest of any party, any faction, or any section, for it reflects a common and fundamental American belief: that democracy is possible only when all men have equal rights and equal opportunities.

If enacted, it will protect every American's freedom to vote, to learn, to make a decent living, and to be served in public places, without regard to the color of his skin.

It will provide legal means for resolving the grievances of Negroes and other racial minorities, for settling disputes that have caused tension, bitterness and outbreaks of violence throughout the nation. It will put an end to social and economic injustices that have been tolerated far too long.

The legislation consists of ten parts, or "titles," each addressed to a separate aspect of the civil rights problem. Yet it must be borne in mind that the bill embodies more than a set of specific legal proposals. Taken whole, it amounts to a test determining whether the United States can live up to the spirit of its Declaration of Independence and its Constitution -- whether the promise of equal justice and dignity for all Americans can be made a reality in our time.

TITLE I

VOTING

The right to vote is clearly one of the most basic of all rights in a democracy, yet in some American communities it has long been denied to many people because of their color.

The Civil Rights Acts of 1957 and 1960 both attempted to guarantee all citizens the right to vote without discrimination. But experience in implementing those Acts has disclosed serious inadequacies in their operation.

Lengthy and often unwarranted delays have often occurred in the course of court proceedings to vindicate voting rights. In one case, where only 725 out of 16,000 eligible Negroes were registered to vote, the suit is still pending after more than two years -- and so is the Negroes' right to vote.

Another problem has been the misuse of literacy and other tests as a device for discrimination. All too frequently, the "tests" given to Negroes are far more difficult than those given to whites.

And even when the tests are uniform, disparate and discriminatory standards are used to judge the answers. Thus barely literate white people have been registered, while well-educated Negroes have been rejected for the most trivial of errors.

Title I of the new bill is intended to put a stop to these inequities.

To help meet the problem of delay, it would authorize that, upon application by the Attorney General, a three-judge district court would be promptly appointed to hear and dispose of all voting discrimination cases. Appeal from the decision of that court would go directly to the Supreme Court.

Registration officials would be required to apply uniform standards in registering voters for federal elections, and would be prohibited from disqualifying any applicant for immaterial errors of omissions in application forms and other papers.

If literacy tests are used, they must be in writing except where state law permits and the applicant requests a non-written test. Copies of both the test and the answers, whether written or oral, would have to be retained and given to the applicant on request.

Finally, Title I would establish that citizens who have completed the sixth grade be considered literate for voting purposes, where there is no proof to the contrary.

TITLE II

PUBLIC ACCOMMODATIONS

Racial discrimination in places of public accommodation is one of the most irritating and humiliating affronts to the American Negro today, and one which plainly requires remedy.

At least thirty states and the District of Columbia now have statutes prohibiting this kind of discrimination -- and some encouraging progress has been made toward voluntary desegregation in a number of communities within the Southern and border states.

But the practice of discrimination is still so widespread, and the chances for voluntary desegregation are still so slight in many areas, that a federal law is clearly needed.

Title II, which is based on both the Interstate Commerce Clause and the Fourteenth Amendment to the Constitution, would establish the right of all persons, without regard to race or color, to the full and equal use of a variety of places of business that serve the general public.

The list includes:

1. Hotels, Motels, and other places offering lodging to transient guests. Only owner-occupied facilities offering not more than five rooms for rent are excepted.

2. Restaurants, lunch counters, soda fountains, and other facilities engaged mainly in selling food to be eaten on the premises. Specifically included are eating places located within retail stores.

3. Gasoline stations.

4. Theatres, sports arenas, and other public places of exhibition or amusement.

5. Establishments which are either located within or contain a business listed above and are intended to serve the patrons of such business. For example, in the case of a retail store containing a lunch counter, all the facilities of the store, not simply the eating place, would be covered. In the same way, all business facilities located within a hotel to serve its patrons would be required to give non-discriminatory service, as well as the hotel itself.

In case of violation, an aggrieved person would be able to sue for a court order to end the discrimination. Moreover, the Attorney General would have the authority to bring suit for such an order if he is satisfied that the suit would materially further the purpose of the title.

No infringement of private property rights is intended in this title. It in no way applies to private facilities or clubs. Its aim is to end racial discrimination in public facilities -- in short, to help restore the word "public" to its true meaning.

The prohibitions of title II would be enforced only by civil suits; neither criminal penalties nor the recovery of money damages would be involved. Any person violating a court injunction, however, would be subject to contempt proceedings.

TITLE III

DESEGREGATION OF PUBLIC FACILITIES

The Fourteenth Amendment to the Constitution clearly forbids a state or municipality to discriminate on the basis of race or color in any of its activities -- yet discrimination exists today in many public beaches, public golf courses, public parks, playgrounds and other facilities maintained by state and local governments.

While private suits are sometimes brought to vindicate these rights, many potential litigants are prevented from obtaining their constitutional justice by financial inability to sue, or by fear of reprisals.

Title III would meet these problems by empowering the Attorney General, on receipt of a written complaint, to initiate suits to desegregate the public facility in question.

The Attorney General's power to sue would be limited to facilities which are owned, operated or managed by state or local governments.

TITLE IV

SCHOOL DESEGREGATION

It has now been almost ten years since the Supreme Court ruled that racially segregated public schools are unconstitutional.

Even so, there are still more than 2,000 school districts in many parts of the country that have done little or nothing to comply with the ruling. Many Negro childred who were entering segregated grade schools at the time of the 1954 Supreme Court decision are in segregated high schools today -- and these childred have suffered a loss in equal educational opportunities that can never be remedied.

Great numbers of our adult citizens today, having received inadequate education under the segregated system, are severely handicapped. They are virtually unemployable in a job market which calls increasingly for trained and educated workers.

Title IV would aid and speed school desegregation in two ways. First, it would provide for financial and technical assistance to schools attempting to carry out desegregation plans, or to deal with problems incident to desegregation.

Second, it would authorize the Attorney General to sue to compel desegregation where the students or the parents involved are unable to bring suit, and where he considers that the suit is important to the orderly progress of desegregation.

TITLE V

CIVIL RIGHTS COMMISSION

In 1957, the Civil Rights Commission was established on a temporary basis to investigate and report practices of racial discrimination in voting and other rights.

Title V would make the Commission a permanent part of the Government. It would also give the Commission new and useful authority to serve as a national clearing-house for information about denials of equal protection of the laws, and to investigate allegations of fraud or discrimination in federal elections.

TITLE VI

DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

This title would assure that public funds, to which taxpayers of all races contribute, will not be expended on a discriminatory basis.

It is intended to see that no person is excluded on racial grounds from participating in, or receiving the benefits of, any program or activity that receives financial aid from the federal government.

For example, requests for federal funds to help build a new hospital, school, airport, or other public facility would be denied if the party making the request refused to observe non-discriminatory requirements. There is no intention to enforce fund cutoffs. What would be enforced is fair use of the funds.

TITLE VII

EQUAL EMPLOYMENT OPPORTUNITY

Discrimination is nowhere more widespread and more harmful to the Negro -- and to the nation as a whole -- than in employment. The right to be served in places of public accommodation is meaningless to a man who has no money; the opportunity for education in an integrated school is lost on the child who knows that; whatever his education, he is condemned to a life of menial labor and frequent unemployment.

Among male family breadwinners, the unemployment rate today is three times higher for non-white citizens than for whites. Fourteen percent of all employed non-whites are unskilled laborers, compared with four percent of the employed whites.

Title VII would make it unlawful for all employers of more than twenty-five persons to discriminate on account of race, color, religion or national origin in their hiring practices. It would also forbid discrimination by employment agencies in job referrals, and by labor unions in their qualifications for membership or participation in training programs.

As a matter of practical convenience -- to enable employers, employment agencies and labor unions to bring their procedures into line with the requirements of the new law -- the title would not take effect until one year after the date of its enactment. Employers of fewer than one hundred workers and labor organizations with fewer than one hundred members would be excluded from coverage for an additional year, and those with less than fifty employees or members would have a third year before the title becomes applicable to them.

A bi-partisan Equal Employment Opportunity Commission would be created to administer the new law. It would be empowered to investigate all charges

of discrimination, to attempt through conciliation to resolve disputes involving such charges -- and, if conciliation fails, to seek judicial action. If the Commission fails or declines to bring suit within a specified period, the person claiming to be aggrieved may, with the written consent of any one member of the Commission, bring civil court action.

A suit brought either by the Commission or the individual could result in injunctions against future violations, orders for reinstatement or, in appropriate cases, the payment of back wages.

In states which have existing fair employment laws, those laws would remain in effect except to the extent that they conflict with the federal law.

TITLE VIII

REGISTRATION AND VOTING STATISTICS

This title would direct the Secretary of Commerce to conduct a survey compiling registration and voting statistics by race, color, and national origin.

The survey, made only in those geographic areas specified by the Civil Rights Commission, would help bring to light all instances of discriminatory voting practices within the United States.

TITLE IX

PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

This is a technical provision, amending existing law to provide for appeal from orders of remand in civil rights cases removed from state courts to federal courts.

TITLE X

MISCELLANEOUS

The final title of the bill contains three sections dealing with technical matters. The first provides that nothing in the bill should be construed to deny or impair the authority of the Attorney General to intervene in lawsuits. The second authorizes the appropriation of whatever funds are necessary to carry out the provisions of the Civil Rights Act. The third section stipulates, as is usual in comprehensive statutes, that the invalidity of any portion of the Act shall not affect the validity of the remainder.

CONCLUSION

In urging the passage of civil rights bill, the late President Kennedy wrote: "Race discrimination hampers our economic growth by preventing the maximum development and utilization of our manpower. It hampers our world leadership by contradicting at home what we preach abroad. It mars the atmosphers of a united and classless society in which this nation rose to greatness. It increases the costs of public welfare, crime, delinquency, and disorder. Above all, it is wrong.

"Therefore let it be clear, in our own hearts and minds, that it is not merely because of the Cold War, and not merely because of the economic waste of discrimination that we are committed to achieving true equality of opportunity. The basic reason is because it is right."

And President Johnson, in his first major address after taking office, declared: "No memorial oration or eulogy could more eloquently honor President Kennedy's memory than the earliest possible passage of the civil rights bill for which he fought so long. We have talked long enough in this country about equal rights. We have talked for a hundred years or more. It is now time to write the next chapter, and to write it in the books of law."

UNIVERSITY OF ALABAMA

FOR RELEASE AT 4 PM EDT June 15, 1963

Office of the White House Press Secretary

THE WHITE HOUSE

THE TEXT OF A TELEGRAM FROM
THE PRESIDENT TO GOVERNOR
GEORGE C. WALLACE, OF ALABAMA

The Alabama National Guard was federalized and elements of it were sent to Tuscaloosa to prevent interference with orders of the United States District Court for the Northern District of Alabama. Consistent with the text of Executive Order No. 11111, responsibility for the maintenance of law and order on the campus of the University of Alabama continues to rest with local and state authorities.

Regretfully, it was necessary to send troops to Tuscaloosa to enforce the Court's orders. Maintenance of law and order, however, remains your legal and moral responsibility. I know you were opposed to the admission of the Negro students, but that is now passed. They are attending the University, and I would like to withdraw the troops as soon as possible. I am advised that Tuscaloosa has a small but excellent police force which, if backed by state law enforcement agencies, can maintain law and order in the Tuscaloosa area. It will be unfortunate if members of the Alabama National Guard now in federal service are required to remain away from their homes and jobs for any extended period this summer. The duration of their duty is largely up to you. My responsibilities will require me to continue the present active status of the National Guard until I am advised by you or by local law enforcement officials that its presence is not required.

I have always felt that these matters should be handled by state and local authorities. I would think that the people of Alabama would rather have these responsibilities met by paid, experienced law enforcement officers than by federalized men of the Alabama National Guard. It is better for the people of Alabama and better for the National Guardsmen called to duty.

Therefore, I hope you will cooperate by doing all you can to take the necessary steps leading to the defederalization of the National Guard.

June 15, 1963

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FOR IMMEDIATE RELEASE JUNE 11, 1963

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
ON NATIONWIDE RADIO AND TELEVISION

Good evening my fellow citizens.

This afternoon, following a series of threats and defiant statements, the presence of Alabama National Guardsmen was required on the University of Alabama to carry out the final and unequivocal order of the United States District Court of the Northern District of Alabama. That order called for the admission of two clearly qualified young Alabama residents who happened to have been born Negro.

That they were admitted peacefully on the campus is due in good measure to the conduct of the students of the University of Alabama, who met their responsibility in a constructive way.

I hope that every American, regardless of where he lives, will stop and examine his conscience about this and other related incidents. This Nation was founded by men of many nations and backgrounds. It was founded on the principle that all men are created equal, and that the rights of every man are diminished when the rights of one man are threatened.

Today we are committed to a worldwide struggle to promote and protect the rights of all who wish to be free, and when Americans are sent to Viet-Nam or West Berlin, we do not ask for whites only. It ought to be possible, therefore, for American students of any color to attend any public institution they select without having to be backed up by troops.

It ought to be possible for American consumers of any color to receive equal service in places of public accommodation, such as hotels and restaurants and theaters and retail stores, without being forced to resort to demonstrations in the street, and it ought to be possible for American citizens of any color to register and to vote in a free election without interference or fear of reprisal.

It ought to be possible, in short, for every American to enjoy the privileges of being American without regard to his race or his color. In short, every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated. But this is not the case.

The Negro baby born in America today, regardless of the section of the Nation in which he is born, has about one-half as much chance of completing a high school as a white baby born in the same place on the same day, one-third as much chance of completing college, one-third as much chance of becoming a professional man, twice as much chance of becoming unemployed, about one-seventh as much chance of earning $10,000

This is not a sectional issue. Difficulties over segregation and discrimination exist in every city, in every State of the Union, producing in many cities a rising tide of discontent that threatens the public safety. Nor is this a partisan issue in a time of domestic crisis. Men of good will and generosity should be able to unite regardless of party or politics. This is not even a legal or legislative issue alone. It is better to settle these matters in the courts than on the streets, and new laws are needed at every level, but law alone cannot make men see right.

We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution.

The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated. If an American, because his skin is dark, cannot eat lunch in a restaurant open to the public, if he cannot send his children to the best public school available, if he cannot vote for the public officials who represent him, if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place? Who among us would then be content with the counsels of patience and delay?

100 years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not yet freed from the bonds of injustice. They are not yet freed from social and economic oppression, and this Nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free.

We preach freedom around the world, and we mean it, and we cherish our freedom here at home, but are we to say to the world, and much more importantly, to each other that this is a land of the free except for the Negroes; that we have no second-class citizens except Negroes; that we have no class or cast system, no ghettoes, no master race except with respect to Negroes?

Now the time has come for this Nation to fulfill its promise. The events in Birmingham and elsewhere have so increased the cries for equality that no city or State or legislative body can prudently choose to ignore them.

The fires of frustration and discord are burning in every city, North and South, where legal remedies are not at hand. Redress is sought in the streets, in demonstrations, parades and protests which create tensions and threaten violence and threaten lives.

We face, therefore, a moral crisis as a country and as a people. It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is a time

It is not enough to pin the blame on others, to say this is a problem of one section of the country or another, or deplore the fact that we face. A great change is at hand, and our task, our obligation, is to make that revolution, that change, peaceful and constructive for all.

Those who do nothing are inviting shame as well as violence. Those who act boldly are recognizing right as well as reality.

Next week I shall ask the Congress of the United States to act, to make a commitment it has not fully made in this century to the proposition that race has no place in American life or law. The Federal Judiciary has upheld that proposition in a series of forthright cases. The Executive Branch has adopted that proposition in the conduct of its affairs, including the employment of Federal personnel, the use of Federal facilities, and the sale of Federally financed housing.

But there are other necessary measures which only the Congress can provide, and they must be provided at this session. The old code of equity law under which we live commands for every wrong a remedy, but in too many communities, in too many parts of the country, wrongs are inflicted on Negro citizens as there are no remedies at law. Unless the Congress acts, their only remedy is in the street.

I am, therefore, asking the Congress to enact legislation giving all Americans the right to be served in facilities which are open to the public -- hotels, restaurants, theaters, retail stores and similar establishments.

This seems to me to be an elementary right. Its denial is an arbitrary indignity that no American in 1963 should have to endure, but many do.

I have recently met with scores of business leaders urging them to take voluntary action to end this discrimination and I have been encouraged by their response, and in the last two weeks over 75 cities have seen progress made in desegregating these kinds of facilities. But many are unwilling to act alone, and for this reason, nationwide legislation is needed if we are to move this problem from the streets to the courts.

I am also asking Congress to authorize the Federal Government to participate more fully in lawsuits designed to end segregation in public education. We have succeeded in persuading many districts to desegregate voluntarily. Dozens have admitted Negroes without violence. Today a Negro is attending a State-supported institution in every one of our 50 States, but the pace is very slow.

Too many Negro children entering segregated grade schools at the time of the Supreme Court's decision nine years

The orderly implementation of the Supreme Court decision, therefore, cannot be left solely to those who may not have the economic resources to carry the legal action or who may be subject to harassment.

Other features will be also requested, including greater protection for the right to vote. But legislation, I repeat, cannot solve this problem alone. It must be solved in the homes of every American in every community across our country.

In this respect, I want to pay tribute to those citizens North and South who have been working in their communities to make life better for all. They are acting not out of a sense of legal duty, but out of a sense of human decency.

Like our soldiers and sailors in all parts of the world, they are meeting freedom's challenge on the firing line, and I salute them for their honor and their courage.

My fellow Americans, this is a problem which faces us all -- in every city of the North as well as the South. Today there are Negroes unemployed two or three times as many compared to whites, inadequate in education, moving into the large cities, unable to find work, young people particularly out of work without hope, denied equal rights, denied the opportunity to eat at a restaurant or lunch counter or go to a movie theater, denied the right to a decent education, denied almost today the right to attend a State university even though qualified. It seems to me that these are matters which concern us all, not merely Presidents or Congressmen or Governors, but every citizen of the United States.

This is one country. It has become one country because all of us and all the people who came here had an equal chance to develop their talents.

We cannot say to ten percent of the population that you can't have that right; that your children can't have the chance to develop whatever talents they have; that the only way that they are going to get their rights is to go into the streets and demonstrate. I think we owe them and we owe ourselves a better country than that.

Therefore, I am asking for your help in making it easier for us to move ahead and to provide the kind of equality of treatment which we would want ourselves; to give a chance for for every child to be educated to the limit of his talents.

As I have said before, not every child has an equal talent or an equal ability or an equal motivation, but they should have the equal right to develop their talent and their ability and their motivation to make something of themselves.

We have a right to expect that the Negro community will be responsible, will uphold the law, but they have a right to expect that the law will be fair; that the Constitu-

This is what we are talking about and this is a matter which concerns this country and what it stands for, and in meeting it I ask the support of all of our citizens.

Thank you very much.

END

Department of Justice

STATEMENT BY THE DEPARTMENT OF JUSTICE

Saturday, May 18, 1963

We believe that the action filed by Governor Wallace is utterly lacking in merit. If Governor Wallace, nevertheless, believes that there are important constitutional questions, we welcome his filing this suit. Such questions are properly to be decided in the courts.

The federal government will, of course, abide by the Court's disposition. We hope that the Governor's action means he will follow the same course in this and similar cases.

The suit ignores the national character of the United States. We are all citizens of a state, but all of us are also citizens of the United States and entitled to the protection of the United States in the rights, privileges and immunities secured by its Constitution and laws. It is the duty of the President, when an emergency arises, to take such action as may be necessary to preserve order and safeguard all citizens, both white and Negro, in the exercise of their constitutional rights.

Accordingly, Section 333 of Title 10 of the United States Code directs that the President "by using the militia or the armed forces . . . shall take such measures as he deems necessary to suppress in any State any insurrection, domestic violence, unlawful combination or conspiracy," if it obstructs the execution of the laws of the United States or results in depriving any part of the people of the State of a constitutionally guaranteed right which the State fails, refuses or is unable to protect.

The statute expressly makes it his duty and responsibility to determine whether federal intervention is required, and its operation does not depend upon a request for assistance from state officials.

This statute rests upon a specific provision of the 14th Amendment empowering Congress to enact laws necessary to secure the constitutional rights granted by the amendment.

No federal troops have been used in Birmingham. We sincerely hope that they will never be necessary. In view of the disturbances of May 11 and 12 and the events that preceded them, however, the President would have been derelict in his duty to protect the constitutional rights of all citizens if he had not dispatched trained units to federal bases near Birmingham where they would be available if the necessity should arise.

We feel strongly that these matters should be resolved at the local level. The people of this country can settle even these difficult issues peacefully through discussion and negotiation. We hope and expect that the problems of Birmingham will be resolved by the people of Birmingham and that no further steps will have to be taken by the Federal Government.